

# Memorandum

**TO:** Mr. Pete Gutwald, Director, Department of Planning and Zoning

**FROM:** Jennifer M. Smith, Geosyntec Consultants

**DATE:** August 17, 2007

**SUBJECT:** Zoning Code Update Meeting 3 – Meeting Summary  
August 13, 2007, Second Floor Conference Room  
Harford County Office Building

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## Attendees

### Workgroup Members Present:

Ms. Susie Comer  
Col. Charles Day  
Ms. Carol Deibel  
Mr. Bill Vanden Eynden  
Mr. Samuel Fielder, Jr.  
Mr. Rowan G. Glidden  
Mr. William E. Goforth  
Mr. Frank Hertsch  
Ms. Susan B. Heselton  
Mr. Tim Hopkins  
Mr. Douglas Howard  
Mr. Gil Jones  
Mr. Gregory J. Kappler  
Ms. Gloria Moon  
Mr. Torrence Pierce  
Mr. Frank Richardson  
Mr. Lawrason Sayre  
Mr. Jim Turner  
Mr. Craig Ward  
Ms. Marisa Willis  
Mr. Jay Young

### Workgroup Members Absent:

Mr. Chris Swain  
Mr. Jeffrey K. Hettleman

## Zoning Code Update Meeting 3 – Meeting Summary

28 August 2007

Page 2

### County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

### Facilitators:

Ms. Jennifer M Smith, Geosyntec

Mr. Craig Thompson, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

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### Meeting Summary

The third meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting Summaries from Meeting 1 and Meeting 2 were distributed for review and approval. Meeting Summary 1 was approved as is. Meeting Summary 2 will be approved at the next meeting upon attachment of a detailed listing of all comments made by the workgroup during meeting 2.

### Presentation by DPZ – Landscaping and Buffer Yards:

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning continued the workgroup discussion on Landscaping and Bufferyards by reviewing comments received from the workgroup during Meeting 2. The department has agreed with grammar/clarifications that do not change meaning or intent and will make the changes accordingly. Mr. Gutwald then presented several areas which needed additional discussion from the workgroup.

### Workgroup Discussion:

A workgroup discussion followed each of Mr. Gutwald's discussion points. A detailed description of the workgroup discussion follows:

#### **1. Topic:** Redevelopment / Revitalization

**Discussion:** There was a discussion on how landscaping criteria are especially needed in areas of redevelopment, where improvement to the existing site is the goal. However, there was also a concern that stringent criteria may prevent any redevelopment from occurring. Also, the requirement of a buffer/open space may decrease the square footage

from what currently exists on the site. Several workgroup members discussed when impervious surface requirements become applicable for redevelopment projects. If less permeable area is allowed on a lot, then a screening requirement between lots may be necessary. Members discussed whether the 20% vegetated open space requirement in the ENOD should be applied countywide. If the site already has less than 20% vegetated open space prior to redevelopment, can the existing level of open space be maintained. It was suggested that exemptions from the 20% vegetated open space requirement be dealt with on a case by case basis.

**Result:** In areas of redevelopment and revitalization, the workgroup agreed to allow flexibility in the 20% open space requirements listed under §267-29(I)(4). This criteria will be flexible in redevelopment areas of ENOD, CRD, and the Rural villages. Additionally the definition of redevelopment will be reviewed and revised if necessary.

2. **Topic:** Landscape Design

**Result:** The workgroup agreed to eliminate language requiring specific species of trees, and height/pruning requirements.

3. **Topic:** Utility Crossings

**Result:** The workgroup agreed to allow all utilities to cross bufferyards.

4. **Topic:** Street Trees

**Result:** In Section 267-29(G), the workgroup agreed to change “Street rights-of-way landscaping” to “Street Trees” and to delete §267-29(G)(1-2) and §267-29(G)(4)(a-d). Street trees in rights-of-way will also be provided in accordance with standards of the Department of Public Works. Additionally, references to road signs will refer to any road signs and not just ‘stop’ or ‘yield’ signs.

5. **Topic:** Tree Distance from utilities/other property

**Discussion:** It was suggested that trees must be placed 15 feet from a utility line. Some workgroup members were also concerned that trees planted in buffers will grow much larger than their original size and encroach on neighboring property.

**Result:** The workgroup agreed to require a minimum 10 foot distance for trees from “all” utilities. Additionally, the definition of utilities will be updated to include all utilities.

6. **Topic:** Service or Storage Yards

**Discussion:** The differences between bufferyards and landscaping was discussed. Landscaping requirements should describe the mechanics of planting; whereas, bufferyard requirements should describe where to plant the vegetation.

**Result:** In order to eliminate the duplication on Service or Storage Yards in §267-29 and §267-30, the workgroup agreed to eliminate §267-29(I)(1) in the Landscaping section. The Service or Storage Yard requirements will remain in the Bufferyard Section.

7. **Topic:** Bufferyard criteria in Mixed Use Centers and ICSCs

**Result:** In Mixed Use Centers and Integrated Community Shopping Centers (ICSCs), the workgroup agreed to eliminate bufferyard criteria along the road frontage. However, the landscaping criteria along the road frontage in Mixed Use Centers and ICSCs will remain in the zoning code.

8. **Topic:** Parking Lot Landscaping

**Discussion:** There was general discussion about giving the landscape architect freedom to creatively design parking lot landscaping. If the regulations are too specific, all parking lots will look the same.

**Result:** In regards to parking lot landscaping, the workgroup agreed (with dissenting viewpoints) to eliminate the landscaping percent requirements in §267-29(H) but keep the requirement for 1 shade tree per 10 surface parking spaces.

**9. Topic:** Five foot landscaped strip

**Result:** The workgroup discussion agreed that clarification was needed for the 5 foot landscaped strip between two types of buildings or parking lots within a project.

**10. Topic:** Multiple parcels under the same ownership

**Discussion:** There was general discussion on what happens after a property is sold.

**Result:** The workgroup agreed to keep a bufferyard exemption for multiple parcels under the same ownership, with different zoning classifications, planned as one project. The text will be clarified.

**11. Discussion:** There was general discussion about why buffers are not determined by use instead of zoning. The Director of Planning and Zoning explained that this option was considered in the development of the proposed zoning code but that implementation was determined to be not practical.

**12. Discussion:** It was clarified that community water systems will have requirements for buffer yards and landscaping

Ten recommendations pertaining to the **Landscaping and Bufferyards** sections of the draft zoning code were made by the workgroup.

Presentation By DPZ – Open Space:

Mr. Gutwald reviewed the changes to the Open Space section of the draft zoning code. Mr. Gutwald once again reinforced that comments on the Open Space section of the draft zoning code should relate to the following Land Use Element Plan Implementation Strategies:

- Update Zoning Code regulations to enhance community open space requirements in new developments by requiring ample, usable open space within or safely and easily accessible to each neighborhood.
- Update Zoning Code to enhance standards for active and passive open space requirements.
- Review and revise existing open space requirements in the Zoning Code and explore opportunities for improvement/enhancement.

Workgroup Discussion:

A workgroup discussion followed Mr. Gutwald's presentation. A detailed description of the workgroup discussion follows:

**1. Topic:** Need for Fee In Lieu.

**Discussion:** There was general discussion on whether or not fee-in-lieu should be eliminated.

**Result:** The workgroup agreed (with dissenting viewpoints) to keep the fee in lieu for active open space.

**2. Topic:** Calculation of Fee In Lieu

**Discussion:** There was questions as to why the calculation method was changing from the current code, and if the change is appropriate. The Department of Parks and Recreation explained, at length, calculation methods and difficulties with the current requirement. This discussion included information on when fee in lieu is accepted, how the Department of Parks and Recreation uses the money and how it can be reviewed as part of public record.

**Result:** The workgroup agreed, when calculating the fee in lieu option, 110% of the average cost of raw land in the development envelope will be used.

**3. Topic:** Location of Fee In Lieu

**Discussion:** There was general discussion on the appropriateness of the fee in lieu.

**Result:** Clarify in what district and what development option types can utilize the fee in lieu option.

**4. Topic:** End uses for Fee in lieu

**Discussion:** It was clarified that the fee takes money that would have been used to create private open space and instead creates open space that can be used by the general public.

**Result:** The workgroup agreed to remove the text “general vicinity” from the description of where the fee in lieu will be applied in §267-31(C).

**5. Topic:** General open space

**Result:** The workgroup agreed to clarify in the purpose statement and definition of open space where the open space requirements apply (which specific developments).

**6. Topic:** Active open space

**Discussion:** There was a general discussion on the meaning of ‘active’ open space.

**Result:** When the language “open space” is used, the workgroup agreed to include the word “active”, where appropriate.

**7. Topic:** Open Space & Agriculture

**Result:** The workgroup agreed to remove references to agriculture from the Open Space section of the proposed zoning code.

**8. Topic:** Waterbodies and Active Open Space

**Discussion:** There was discussion on what defines a waterbody.

**Result:** When stormwater ponds (wet ponds only) are designed as part of the ‘amenity’ of a development, the workgroup agreed (with dissenting viewpoints) that they may be considered a waterbody and may be used to meet active open space requirements, up to 15 percent.

**9. Topic:** Trails

**Discussion:** It was suggested that not all trails should be required to be paved. The proposed requirement for paved trails was created because trails created using only mulch become a maintenance burden. Stone dust is a good alternative but may be costly. If all trails must be paved, an HOA must include the maintenance of these paved trails in its operation and maintenance budget.

**Result:** The workgroup agreed to eliminate the requirement that all trails be paved. Instead, trails will be created from acceptable materials approved by the Department of

Planning & Zoning with concurrence by the Director of Parks and Recreation. Trail materials must be compatible with the trail's proposed use.

Nine additional recommendations pertaining to the **Open Space** section of the proposed zoning code were made by the workgroup:

Administrative Issues:

The meeting was adjourned at 4:15 pm.

The Harford County Zoning Code website can be accessed at:  
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

**Meeting Handouts**

1. Meeting Agenda
2. Draft Meeting 1 Summary – June 25, 2007
3. Draft Meeting 2 Summary – July 16, 2007

**Next Scheduled Meetings**

Date: August 27, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 4 – Housing Density Bonus; Signs  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014

Date: September 10, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 5 - Signs  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014